

REMARKS

The Office Action dated October 18, 2007 has been reviewed, and the comments therein have been carefully considered. By this Amendment, Claims 1, 5, 6, 8, 10-12, 16, and 18-23 have been amended. Claims 7 and 13-15 were previously cancelled without prejudice or disclaimer. New Claim 24 has been added to provide more comprehensive protection for certain aspects of the invention. Thus, Claims 1-6, 8-12, and 16-24 are presently pending, with Claims 1, 16, and 23 being independent. Applicants respectfully request favorable reconsideration of this Application, as presently amended.

Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's allowance of Claim 23 and the indication of allowable subject matter in Claims 3, 9, 21, and 22. Claims 3, 9, 21, and 22 have been maintained in dependent form pending further disposition of this Application in view of this Amendment.

Amendments to the Specification

The specification has been amended to correct the listing of prior patent applications to which the present Application claims benefit under 35 U.S.C. § 120. A petition under 37 CFR 1.78(a)(3) for unintentionally delayed benefit claim under 35 U.S.C. § 120 is also being filed herewith.

Claims Objections

Claims 1 and 20 were objected to by the Office Action for minor informalities. Regarding the objection to Claim 1, the offending phrase “said at least first opposing portion” noted in the Office Action cannot be found in the claims. The phrase “on at least said first opposing portion” is recited in Claim 1 (see, for example, line 5 of previously presented Claim 1). However, Applicants maintain that this phrase finds proper antecedent basis within Claim 1.

Regarding the objection to Claim 20, the antecedence issue noted by the Examiner has been addressed by appropriate revisions to Claim 20. Additional antecedent issues for “the cartridge” were also identified and corrected in Claims 1, 16, and 23.

In addition to the above-noted objections, Claims 8, 11, and 12 have been amended to depend from Claim 23, so as to avoid any duplicate claim issues with Claims 2, 5, and 6, respectively. Claim 18 has been amended to depend from Claim 1, in view of the amendments to Claim 16, as described in more detail below. Claims 1, 5, 6, 8, 10-12, 16, and 19-23 have also been editorially revised to address minor language and antecedent basis issues.

Rejection of the Claims

Claims 1, 2, 4-6, 8-12, and 16-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Robinson et al. (U.S. Patent No. 6,817,984, hereinafter Robinson). Without acceding to the rejections, independent Claims 1 and 16 have been amended to further expedite prosecution.

Claim 1 has been revised to incorporate subject matter of Claim 20 and to further clarify the features recited therein. In particular, Claim 1 now recites, *inter alia*, a blood

treatment machine having a first opposing portion with a first surface and a second opposing portion with a second surface, the first and second opposing portions being spaced apart such that the first surface is parallel to the second surface with a gap formed therebetween. The first surface and the second surface are adjacent to the gap and facing each other. Further, Claim 1 recites that the first and second surfaces remain parallel to one another during movement of the first and second opposing portions. As is apparent from Robinson (for example, see Figs. 1-3 and col. 7, line 62 – col. 8, line 10), the facing surfaces of door 34 and housing 4 are only parallel when in a closed position about cassette 26. The surfaces are not parallel during movement of the first and second opposing portions, nor are they parallel when a gap is present between them (see Fig. 3). Accordingly, Robinson does not teach or suggest at least this feature of Claim 1, as amended.

Claim 16 has been revised to incorporate the features of Claim 18. In particular, Claim 16 now recites, *inter alia*, that the second opposing portion carries a user interface panel. The Office Action characterizes housing 4 as the first opposing portion and door 34 as the second opposing portion. Further, in the rejection of Claim 18, the Office Action states that the second opposing portion 34 carries a user interface panel in the form of control panel 16. However, as is evident from Figs. 1, 8, and 18 and the discussion in col. 7, lines 44-47 of Robinson, control panel 16 is provided on and carried by the housing 4 (i.e. the first opposing portion) and not door 34 (i.e. the second opposing portion). Accordingly, Robinson fails to teach or suggest at least this feature of Claim 16, as amended.

Claims 2-6, 9, 10, and 17-22, which depend from Claims 1 and 16, are also believed to be patentable over the applied reference for at least the reasons discussed

above with respect to Claims 1 and 16, as well as due to the additional subject matter recited therein. Claims 8, 11, 12, and 24 depend from allowed Claim 23 and thus should be patentable for at least the same reasons as Claim 23, as well as due to the additional subject matter recited therein.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance, and an early Notice of Allowance is respectfully requested.


Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (53951-094) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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